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12 Attorneys for  
13 AECOM Technical Services, Inc.

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **OAKLAND DIVISION**

17 In Re  
18 PG&E CORPORATION  
19 v.  
20 AECOM TECHNICAL SERVICES, INC.

21 Case No. 4:20-cv-05381-HSG (Lead Case)  
22 (Reference withdrawn from Bankruptcy Case  
23 No. 19-30088, Adv. Proc. No. 20-03019 and  
24 Adv. Proc. No. 19-03008)  
25 (Consolidated with Case No. 3:20-cv-08463-  
26 EMC)

27 **DECLARATION OF MARION T. HACK**  
28 **IN SUPPORT OF AECOM TECHNICAL**  
**SERVICES, INC.'S MOTION TO**  
**EXCLUDE TESTIMONY OF DR.**  
**WILLIAM IBBS REGARDING LOSS OF**  
**PRODUCTIVITY**

29 Date: May 31, 2022  
30 Time: 11:00 a.m.  
31 Location: Courtroom 2

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1 I, Marion Hack, hereby declare and swear under penalty of perjury as follows:

2 1. I am over the age of 18 and competent to give this Declaration.

3 2. I am counsel of record for AECOM TECHNICAL SERVICES, INC. (“AECOM”).

4 I submit this Declaration in support of AECOM’s Motion to exclude testimony of Dr. William Ibbs  
5 (“Dr. Ibbs”).

6 3. I am submitting this declaration based on my personal knowledge in support of said  
7 Motion.

8 4. A true and correct copy of the expert report of JH Kelly LLC’s (“JH Kelly”) retained  
9 expert Dr. Ibbs, dated October 18, 2021 and without exhibits, served on our office and maintained  
10 in the records of this firm is attached hereto as **Exhibit 1**.

11 5. A true and correct copy of the relevant portions of the transcript of the deposition of  
12 Dr. Ibbs, taken on December 14, 2021, as maintained in the records of this firm is attached hereto  
13 as **Exhibit 2**.

14 6. A true and correct copy of the preliminary expert report of Dr. Ibbs, dated August  
15 22, 2019, and without exhibits, produced in discovery by JH Kelly, served on our office, and  
16 maintained in the records of this firm is attached hereto as **Exhibit 3**.

17 7. A true and correct copy of “*Damages; Modified Total Cost Principles For*  
18 *Cumulative Impact Claims*” written by Dr. Ibbs and published in *The Construction Lawyer*, Winter  
19 2013 Edition, is attached hereto as **Exhibit 4**.

20 8. A true and correct copy of “*Claims/Damages: Using the Classical Measured Mile*  
21 *Approach and Variants to Quantify Cumulative Impact Claims*” written by Dr. Ibbs and Long  
22 Nguyen and published in *The Construction Lawyer*, Winter 2012 Edition, is attached hereto as  
23 **Exhibit 5**.

24 9. A true and correct copy of “*Pros and Cons of Using Industry Studies to Quantify*  
25 *Loss of Labor Productivity*” written by Joseph C. Kovars, Dr. Ibbs, and Paul L. Stynchcomb, and  
26 published in *The Construction Lawyer*, Winter 2016 Edition, is attached hereto as **Exhibit 6**.

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1       10. A true and correct copy of “*Calculating Lost Labor Productivity: Is There a Better*  
 2 *Way?*” written by Daniel E. Toomey; Joshua S. Marks; Dr. Tong Zhao, P.E.; and J. Mark Dungan,  
 3 and published in *The Construction Lawyer*, Spring 2015 Edition, is attached hereto as **Exhibit 7**.

4       11. A true and correct copy of “Practical Ways to Identify Measured Miles” written by  
 5 Dr. Ibbs, and John Chittick and published in the *Journal of Legal Affairs and Disputes Resolution*  
 6 in *Engineering and Construction*, Issue 04516007-1, is attached hereto as **Exhibit 8**.

7       12. A true and correct copy of “*The Cumulative Effect of Change Order on Labour*  
 8 *Productivity – the Leanord Study “Reloaded”*”, written by Gerald McEniry, published in *The Revay*  
 9 Report, Vol. 26, Number 1, May 2007, attached hereto as **Exhibit 9**.

10      13. A true and correct copy of “*Evaluating the Cumulative Impact of Changes on Labor*  
 11 *Productivity –an Evolving Discussion,*” written by Dr. Ibbs and Gerald McEniry and published in  
 12 *Cost Engineering* Vol. 50/No. 12, December 2008 Edition, is attached hereto as **Exhibit 10**.

13      14. A true and correct copy of the expert rebuttal report of AECOM’s retained expert  
 14 Anthony Gonzales, dated November 16, 2021 and without exhibits, prepared for and maintained in  
 15 the records of this firm is attached hereto as **Exhibit 11**.

16      15. A true and correct copy of the relevant portions of the transcript of the deposition of  
 17 Mr. Gonzales, taken on December 16, 2021, as maintained in the records of this firm is attached  
 18 hereto as **Exhibit 12**.

19      16. A true and correct copy of “*Use of Mechanical Contractors Association of America*  
 20 *Method in Loss of Productivity Claims,*” written by Dr. Ibbs and Zioadun Sun and published in the  
 21 *Journal of Legal Affairs and Disputes Resolution in Engineering and Construction*, Issue 01816001,  
 22 is attached hereto as **Exhibit 13**.

23      17. A true and correct copy of the relevant portions of Deposition Exhibit 206, produced  
 24 in discovery and maintained in the records of this firm is attached hereto as **Exhibit 14**.

25      18. A true and correct copy of the relevant portions of Deposition Exhibit 1, produced  
 26 in discovery and maintained in the records of this firm is attached hereto as **Exhibit 15**.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed on April 14, 2022 at Los Angeles, California.  
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5 /s/ Marion T. Hack

6 MARION T. HACK

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